

Appl. No. 09/706,294
Amendment dated January 28, 2005
Reply to Office Action of September 30, 2004

Remarks

Claims 1, 2, 4-7, 10, 11, 14-16, 19, 20, 23-25, 28 and 29 are pending in the instant application. In the Office Action mailed September 30, 2004, the Examiner rejects claims 1, 2, 4-7, 10, 11, 14-16, 19, 20, 23-25, 28 and 29. Claims 1, 14 and 23 have been amended. The amendments to the claims are supported by page 17, lines 25-27 and other portions of the Specification as filed. Based on the amendments and remarks made herein, Applicants respectfully request that the rejections be withdrawn and that the application be passed to allowance.

1. Rejection of Claims 1, 2, 5-7, 10, 11, 23-25, 28 and 29 under 35 U.S.C. § 102(b)

In the Office Action mailed September 30, 2004, the Examiner rejects claims 1, 2, 5-7, 10, 11, 23-25, 28, and 29 under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,370,634 issued to Ando (hereinafter "the Ando patent"). This rejection is respectfully traversed.

Independent claim 1 is directed to a pant-like, refastenable, disposable absorbent article that defines a front waist region, a back waist region, a crotch region which extends between and connects the waist regions, a longitudinal direction and a lateral direction. The claimed absorbent article also includes an absorbent chassis that includes a pair of laterally opposed side edges and a pair of longitudinally opposed waist edges. The claimed absorbent article also includes a pair of opposed side panels that extend outward from the back waist region, each of the opposed side panels defines a first side margin and a second side margin. The first side margins are permanently attached to the side edges of the absorbent chassis in the back waist region to provide a permanent joint. The second side margins are releasably attached to the side edges of the absorbent chassis in the front waist region to provide a releasable joint. The claimed absorbent article also includes a fastener permanently attached to the second side margin of each of the side panels. Further the releasable joint is provided by the fastener and one or more releasable bonds, wherein the one or more releasable bonds become destroyed upon first disengagement and the releasable joint can be broken without tearing the side panels.

The Examiner believes the Ando patent discloses "a releasable bond 15D",... "[t]he releasable bond 15D is an adhesive or ultrasonic bonds, as disclosed in column 8, lines 11-15."

The Ando patent does not disclose each and every element of the claimed invention. For example, the Ando patent does not disclose a releasable joint that is provided by the fastener and one or

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more releasable bonds, wherein the one or more releasable bonds become destroyed upon first disengagement and the releasable joint can be broken without tearing the side panels. The Ando patent discloses at column 7, line 68 – column, 8, line 6,

Also, as the connected and fixed side flaps 15A1, 15C1 are preferably designed such as to be able to be torn in the vertical direction, so that the skin of the wearer is not dirtied, the disposable diaper can easily be torn at the connected portions 15D, 15D, and the disposable diaper 1 can easily be taken off and disposed of.

(emphasis added)

The Ando patent continues at column 8, lines 14 – 16, "...and these portions 15D, 15D are soft in touch even after being connected (welded)."

 (emphasis added)

The Ando patent refers to the connected portions 15D as being "connected (welded)." Based on the above quoted statements of the Ando patent, Applicants submit that it is the side flaps of the Ando patent that are designed to be torn as opposed to the connected portions 15D. Hence, the disposable diaper of the Ando patent is distinctly different than the presently claimed invention which recites that "the releasable joint can be broken without tearing the side panels." For at least this reason, independent claim 1 and dependent claims 2, 5-7, 10 and 11 are not anticipated by the Ando patent and the present rejection should be withdrawn.

Independent claim 23 is directed to a pant-like, refastenable, disposable absorbent article that defines a front waist region, a back waist region, a crotch region which extends between and connects the waist regions, a longitudinal direction and a lateral direction. The claimed absorbent article also includes an absorbent chassis that includes a pair of laterally opposed side edges and a pair of longitudinally opposed waist edges. The claimed absorbent article also includes a pair of opposed back panels which are permanently attached to the side edges of the absorbent chassis in the back waist region. The claimed absorbent article also includes a pair of opposed front panels which are permanently attached to the side edges of the absorbent chassis in the front waist region. The front panel and the back panel are releasably connected together along a side seam to provide a releasable joint. The claimed absorbent article also includes a fastener permanently attached to each of the back panels adjacent the side seams and configured to refastenably engage one of the front panels and upon disengagement of the releasable joints. The fasteners are also configured to engage an exterior surface of the absorbent chassis in the front waist region. Further the releasable joint is provided by the fastener and one or more releasable bonds, wherein the one or more releasable bonds become destroyed upon first disengagement and the releasable joint can be broken without tearing the side panels.

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Again, the Examiner believes the Ando patent discloses "a releasable bond 15D",... "[t]he releasable bond 15D is an adhesive or ultrasonic bonds, as disclosed in column 8, lines 11-15."

For the reasons stated above, the Ando patent does not disclose a releasable bond. The connected portion 15D of the Ando patent is not a releasable bond. As disclosed, the side flaps are designed to be torn, not the "welded" connected portions 15D. For at least these reasons, Applicants respectfully submit that independent claim 23 is patentable over the Ando patent. Moreover, claims 24, 25, 28 and 29 which depend from the above independent claim, are also accordingly patentable over the Ando patent.

2. Rejection of Claims 14 – 16, 19 and 20 under 35 U.S.C. § 102(b)

In the Office Action mailed September 30, 2004, the Examiner rejects claims 14 – 16, 19 and 20 under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,019,065 issued to Scripps (hereinafter "the Scripps patent"). This rejection is respectfully **traversed**.

Independent claim 14 of the present is directed to a pant-like, refastenable, disposable absorbent article that defines a front waist region, a back waist region, a crotch region which extends between and connects the waist regions, a longitudinal direction and a lateral direction. The claimed absorbent article also includes an absorbent chassis that includes a pair of laterally opposed side edges and a pair of longitudinally opposed waist edges. The claimed absorbent article also includes a pair of opposed back panels which are permanently attached to the side edges of the absorbent chassis in the back waist region of the absorbent article. The claimed absorbent article also includes a pair of opposed front panels which are releasably attached to the side edges of the absorbent chassis in the front waist region of the absorbent article to provide a pair of releasable joints. The front panel and the back panel on each side edge of the absorbent chassis are connected together along a side seam. The claimed absorbent article also includes a fastener permanently attached to each of the front panels configured to engage an exterior surface of the absorbent chassis in the front waist region. Further, each releasable joint is provided by the fastener and one or more releasable bonds, wherein the one or more releasable bonds become destroyed upon first disengagement and the releasable joint can be broken without tearing the side panels.

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The Examiner believes the Scripps patent discloses "[a] pair of opposed back panels 74" and "[a] pair of opposed front panels 76 are connected to the back panels along a seam, as shown in figure 2." Further the Examiner believes the Scripps patent discloses, "the releasable joint comprises a fastener 62 and a releasable bond 63 which is adhesive, as disclosed in column 7, line 46."

The Scripps patent does not disclose each and every element of the claimed invention. For example, the Scripps patent does not disclose a pair of front panels and a pair of back panels connected together along a side seam. The Scripps patent at column 7, lines 39 states, "[a] particularly preferred tape tab 60 is illustrated in FIG. 2 and has a fastening surface 70 and a backing surface 72." Further, at column 7, lines 66 – column 8, line 3 states,

The first fixed portion 74 is that portion of the tape tab 60 which is attached to the inside surface 44 of the body portion 22. The second fixed portion 76 is that portion of the tape tab 60 which is attached to the outside 46 of the body portion 22. The first fixed portion 74 and the second fixed portion 76 thus form the manufacturer's end of the tape tab 60. (emphasis added)

The Scripps patent clearly does not disclose a front panel and a back panel on each side edge of the absorbent chassis that are connected together along a side seam. Further the Scripps patent does not disclose a releasable bond, wherein the one or more releasable bonds become destroyed upon first disengagement and the releasable joint can be broken without tearing the side panels. The Scripps patent at column 7, lines 43 – 47 states, "[t]hus, the fastening surface 70 of the tape tab 60 will generally correspond to the inside surface 44 of the body portion 22 and will have the adhesive securement means 63 and the first fastening element 62 disposed on it." The Scripps patent continues at column 10, line 64 – column 11, line 7,

The adhesive securement means 63 provides a layer of adhesive for securing at least a second area of the tape tab 60 to other portions of the diaper 20. The adhesive securement means 63 may also provide an attachment means for attaching the connective portion 78 of the tape tab 60 to the first fixed portion 74 and the second fixed portion 76, a means for joining the first fastening element 62 to the tape tab 60, and/or a disposal means for securing the diaper 20 in a configuration for disposal so as to contain the contents of the soiled diaper and provide convenient disposal of the diaper 20. (emphasis added)

Clearly, the securement means 63 as disclosed by the Scripps patent is not a releasable bond, wherein the one or more releasable bonds become destroyed upon first disengagement and the releasable joint can be broken without tearing the side panels.

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For the reasons stated above, the Scripps patent does not disclose a pair of front panels and a pair of back panels connected together along a side seam or a releasable bond. For at least these reasons, Applicants respectfully submit that Independent claim 14 is patentable over the Scripps patent. Moreover, claims 15, 16, 19 and 20 which depend from the above independent claim, are also accordingly patentable over the Scripps patent.

3. Rejection of Claim 4 under 35 U.S.C. §103(a)

In the Office Action mailed September 30, 2004 the Examiner rejects dependent claim 4 under 35 U.S.C. §103(a) as being unpatentable over the Ando patent. Applicants respectfully **traverse** the rejection for at least the reasons noted above in regard to the rejection to claim 1. Accordingly, this rejection should be withdrawn. Applicants explicitly reserve the right to identify additional errors in the Office Action and advance further reasons for patentability should the present response not result in withdrawal of the rejection.

4. Conclusion

The Examiner further cites references that were not relied upon but which are considered pertinent to Applicant's disclosure. Applicants have reviewed the cited references and assert that such references fail to teach or suggest the invention recited in the rejected claims. As a result, Applicants respectfully assert that claims 1, 2, 4-7, 10, 11, 14-16, 19, 20, 23-25, 28 and 29 are patentable over the cited references.

In view of the above amendments and remarks, reconsideration and withdrawal of the rejections of claims 1, 2, 4-7, 10, 11, 14-16, 19, 20, 23-25, 28 and 29 under 35 U.S.C. §102 and §103 are respectfully requested. Moreover, it is respectfully submitted that all of the presently presented claims are in form for allowance and such action is earnestly solicited.

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Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-4558.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I, Barbara D. Miller, hereby certify that on January 28, 2005, this document is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450 to facsimile number 703-872-9306.

By: 

Barbara D. Miller